

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JOHN DOE, )  
                  )  
Plaintiff,     )  
                  )  
v.               )                      Civil No. 1:19-cv-00065 (AJT/MSN)  
                  )  
FAIRFAX COUNTY SCHOOL BOARD,     )  
                  )  
Defendant.     )

**DEFENDANT'S RESPONSE TO PLAINTIFF'S  
MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Defendant Fairfax County School Board believes that Plaintiff's proposed Second Amended Complaint does not cure the deficiencies in his First Amended Complaint that are the subject of the School Board's pending motion to dismiss under Federal Rule 12(b)(6). Dkt. #27. The Court heard argument and took the motion under advisement on March 22, 2019, indicating that a ruling would be forthcoming. Dkt. #35. Because the Court has yet to rule on the adequacy of the First Amended Complaint, the School Board takes no position on Plaintiff's motion for leave to file a second amended complaint. Should the Court grant Plaintiff leave to amend again, the School Board reserves its right to challenge the adequacy of Plaintiff's Second Amended Complaint through a renewed motion to dismiss.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD

By: \_\_\_\_\_ /s/  
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*Counsel for Defendant Fairfax County School  
Board*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record for all Parties.

By: \_\_\_\_\_ /s/  
Stuart A. Raphael (VSB No. 30380)